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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

Argentina, Armenia, Australia, Austria, Belgium, Canada, Cyprus, Czech Republic, Denmark, Eritrea, Ethiopia, Finland, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Kyrgyzstan, Liechtenstein, Luxembourg, Monaco, Morocco, Netherlands, Nicaragua, Norway, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Uruguay: draft resolution

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office 1/ and the report of the Executive Committee of the Programme of the High Commissioner on the work of its forty-seventh session, 2/

Recalling its resolution 50/152 of 21 December 1995,

1/ Official Records of the General Assembly, Fifty-first Session, Supplement No. 12 (A/51/12).

2/ Ibid., Supplement No. 12A (A/51/12/Add.1).

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Reaffirming the fundamental importance of the 1951 Convention 3/ and the 1967 Protocol 4/ relating to the Status of Refugees, in particular their implementation in a manner fully compatible with the object and purpose of these instruments, and noting with satisfaction that one hundred and thirty-two States are now parties to one or both instruments,

Commending the High Commissioner and her staff for the competent, courageous and dedicated manner in which they discharge their responsibilities, paying tribute to those staff members who have endangered or lost their lives in the course of their duties, and emphasizing the urgent need for effective measures to ensure the security of staff engaged in humanitarian operations,

Distressed at the widespread violations of the principle of non-refoulement and of the rights of refugees, in some cases resulting in the loss of their lives, and seriously disturbed at reports indicating that large numbers of refugees and asylum-seekers have been subjected to refoulement and expulsion in highly dangerous situations,

1. Strongly reaffirms the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the United Nations High Commissioner for Refugees of providing international protection to refugees and seeking permanent solutions to the problem of refugees, and the need for States to cooperate fully with the Office in order to facilitate the effective exercise of that function;

2. Calls upon all States that have not yet done so to accede or succeed to and to implement fully the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and relevant regional refugee instruments, as applicable, for the protection of refugees;

3. Reiterates that everyone, without distinction of any kind, has the right to seek and to enjoy in other countries asylum from persecution, and calls upon all States to uphold asylum as an indispensable instrument for the international protection of refugees and to respect scrupulously the fundamental principle of non-refoulement, which is not subject to derogation;

4. Urges States to ensure access, consistent with relevant international and regional instruments, for all asylum-seekers to fair and efficient procedures for the determination of refugee status and the granting of asylum to eligible persons;

5. Deplores the fact that in certain situations refugees, returnees and displaced persons of concern to the Office of the High Commissioner have been subjected to armed attack, murder, rape and other violations of or threats to their personal security and other fundamental rights, and calls upon States to take all measures necessary to ensure respect for the principles of refugee

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3/ United Nations, Treaty Series, vol. 189, No. 2545.

4/ Ibid., vol. 606, No. 8791.

protection and the humane treatment of asylum-seekers in accordance with internationally recognized human rights and humanitarian norms;

6. Emphasizes the importance of ensuring access by the Office of the High Commissioner to asylum-seekers, refugees and other persons of concern in order to enable it to carry out its protection functions in an effective manner; expresses deep concern at conditions, in a number of countries or regions, that seriously impede the delivery of humanitarian assistance and protection, and calls upon States to take all necessary measures to ensure such access and to ensure the security of staff engaged in humanitarian operations;

7. Reiterates its support for the role of the Office of the High Commissioner in exploring further measures to ensure international protection to all who need it, consistent with fundamental protection principles reflected in international instruments, and supports the High Commissioner in continuing further consultations and discussions in this regard;

8. Encourages the Office of the High Commissioner to continue and strengthen its efforts for the protection of women having a well-founded fear of persecution, and calls upon States to adopt an approach that is sensitive to gender-related concerns and ensures that women whose claims to refugee status are based upon a well-founded fear of persecution, including persecution through sexual violence or other gender-related persecution, are recognized as refugees under the terms of the 1951 Convention and its 1967 Protocol;

9. Urges all States and relevant United Nations, intergovernmental and non-governmental organizations to support the High Commissioner's search for durable solutions to refugee problems, including voluntary repatriation, integration in the country of asylum and resettlement in a third country, as appropriate, and welcomes in particular the ongoing efforts of the Office to pursue whenever possible opportunities to promote conditions conducive to the preferred solution of voluntary repatriation;

10. Underlines the interrelationship between protection and solutions as well as the desirability of prevention, including through respect for human rights and the implementation of relevant instruments and standards, and emphasizes the responsibility of States to resolve refugee situations and to ensure conditions that do not compel people to flee in fear, to uphold the institution of asylum in order to create conditions conducive to voluntary repatriation, to take steps to meet essential humanitarian needs and to cooperate with countries on whom the large-scale presence of refugees weighs most heavily;

11. Acknowledges the desirability of comprehensive approaches by the international community to the problems of refugees and displaced persons, including addressing root causes, strengthening emergency preparedness and response, providing effective protection and achieving durable solutions;

12. Emphasizes the value of comprehensive, regional approaches in which the High Commissioner has played a significant part both in countries of origin and countries of asylum, encourages States, in coordination and cooperation with each other and with international organizations, if applicable, to consider

adopting protection-based comprehensive approaches to particular problems of displacement, and endorses, in this connection, the adoption of comprehensive and regional approaches within a protection framework adopted by the Executive Committee of the Programme of the High Commissioner at its forty-seventh session;

13. Recalls that the Office of the High Commissioner may be called upon by the appropriate organs of the United Nations and with the consent of the State concerned to extend its assistance to other groups, such as internally displaced persons, recognizing that such involvement may contribute to the prevention or mitigation of refugee situations, yet emphasizing that activities on behalf of internally displaced persons must not undermine the institution of asylum, including the right to seek and to enjoy in other countries asylum from persecution;

14. Reiterates the relationship between safeguarding human rights and preventing refugee situations, recognizes that the effective promotion and protection of human rights and fundamental freedoms, including through institutions that sustain the rule of law, justice and accountability, are essential for States to fulfil their humanitarian responsibilities in reintegrating returning refugees, and, in this connection, calls upon the Office of the High Commissioner, within its mandate and at the request of the Government concerned, to strengthen its support of national efforts at legal and judicial capacity-building, where necessary, in cooperation with the United Nations High Commissioner for Human Rights;

15. Also reiterates that development and rehabilitation assistance is essential in addressing some of the causes of refugee situations and in the context of the development of prevention strategies;

16. Reaffirms that voluntary repatriation is the ideal solution to refugee problems, and calls upon countries of origin, countries of asylum, the Office of the High Commissioner and the international community as a whole to do everything possible to enable refugees to exercise their right to return home in safety and dignity;

17. Reiterates the right of all persons to return to their country, and emphasizes in this regard the prime responsibility of countries of origin for establishing conditions that allow voluntary repatriation of refugees in safety and with dignity, and, in recognition of the obligation of all States to accept the return of their nationals, calls upon all States to facilitate through bilateral agreements, the return of their nationals who have sought asylum but have been determined not to be refugees;

18. Encourages the High Commissioner to continue her activities on behalf of stateless persons, as part of her statutory function of providing international protection and of seeking preventive action, and to fulfil her responsibilities under General Assembly resolutions 3274 (XXIV) of 10 December 1974 and 31/36 of 30 November 1976, and calls upon States to assist the High Commissioner in fulfilling her responsibilities and to consider

acceding to the 1954 Convention relating to the Status of Stateless Persons 5/ and the 1961 Convention on the reduction of statelessness; 6/

19. Reaffirms that the Inter-agency Standing Committee is the primary mechanism for inter-agency decisions on system-wide policy issues relating to humanitarian assistance, for formulating a coherent and timely response to major disasters and complex emergencies and for inter-agency decisions of an operational nature, and calls on members of the Standing Committee to continue to examine as a matter of priority options and proposals to improve its functioning;

20. Calls upon all Governments and other donors to demonstrate their international solidarity and burden-sharing with countries of asylum through efforts aimed at continuing to alleviate the burden borne by States that have received large numbers of refugees, in particular those with limited resources, and to contribute to the programmes of the Office of the High Commissioner and, taking into account the effects on countries of asylum of the increasing requirements of large refugee populations and the need to widen the donor base and to achieve greater burden-sharing among donors, to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector in order to ensure that the needs of refugees, returnees and other displaced persons of concern to the Office of the High Commissioner are met.

5/ United Nations, Treaty Series, vol. 360, No. 5158.

6/ Ibid., vol. 989, No. 14458.